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| AMENDMENT TRANSMITTAL LETTER | | | Docket No. SPINE 3.0-437 CIPCIPCIPCIPCON |
| Application No. 10/642,528-Conf. #3167 | Filing Date August 15, 2003 | Examiner B. E. Pellegrino | Art Unit 3738 |

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: AXIALLY COMPRESSIBLE ARTIFICIAL INTERVERTEBRAL DISC HAVING LIMITED ROTATION USING A CAPTURED BALL AND SOCKET JOINT WITH A SOLID BALL AND COMPRESSION LOCKING POST

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | |
|---|----------------------------------|--------------------------------|-----------------------------|------|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate |
| Total Claims | 20 | - 20 = | | x |
| Independent Claims | 3 | - 3 = | | x |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | |
| Other fee (please specify): | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | 0.00 |

Large Entity

Small Entity

No additional fee is required for this amendment.

Please charge Deposit Account No. _____ in the amount of \$ _____.
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A check in the amount of \$ _____ to cover the filing fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

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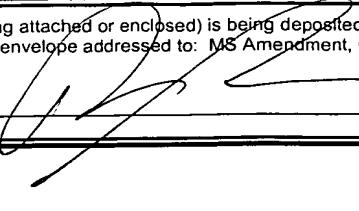
Dated: July 19, 2006

Raymond Garguilo, Jr.
Attorney/Agent Reg. No.: 50,930

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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O P E IAP 19
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PATENT & TRADEMARK OFFICE

Docket No.: SPINE 3.0-437 CIPCIIPCIPCON XIV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/642,528

: Group Art Unit: 3738

Filed: August 15, 2003

: Examiner: B. E.
Pellegrino

For: AXIALLY COMPRESSIBLE ARTIFICIAL
INTERVERTEBRAL DISC HAVING
LIMITED ROTATION USING A CAPTURED
BALL AND SOCKET JOINT WITH A
SOLID BALL AND COMPRESSION
LOCKING POST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Official Action mailed June 30, 2006, Applicants submit the following amendments and remarks.